

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:)	Chapter 11
)	
FOAMEX INTERNATIONAL INC., <i>et al.</i> ,)	Case No. 05-12685 (KG)
)	
)	
Debtors.)	(Jointly Administered)

NOTICE OF APPEAL

The Bank of New York (“BNY”), as Indenture Trustee, by and through its undersigned counsel, pursuant to Bankruptcy Rule 8001 and 28 U.S.C. 158(a), appeals from the *Order Denying the Request of the Bank of New York, as Indenture Trustee, to Compel the Reorganized Debtors to Pay Post-Maturity Compound Interest on the 2005 Notes (Docket Item No. 2430)*, dated March 23, 2007.

The names of all parties to the order appealed from and the names, addresses, and telephone numbers of their respective attorneys are as follows:

APPELLANTS:

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APPELLEES:

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Foamex Latin America, Inc.,
Foamex Asia, Inc.,
FMXI, Inc., Foamex Carpet Cushion LLC,
Foamex Capital Corporation,
Foamex Mexico, Inc.,
and Foamex Mexico II, Inc.

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Dated: April 2, 2007

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Counsel for The Bank of New York, as
Indenture Trustee

**UNITED STATES BANKRUPTCY COURT
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In re:)	Chapter 11
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FOAMEX INTERNATIONAL INC., <i>et al.</i> ,)	Case No. 05 .. 12685 (KG)
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Debtors.)	(Jointly Administered)
)	
)	Ref. Docket Nos. 2298, 2379 and 2400

**ORDER DENYING THE REQUEST OF THE BANK OF NEW YORK,
AS INDENTURE TRUSTEE, TO COMPEL THE REORGANIZED DEBTORS
TO PAY POST-MATURITY COMPOUND INTEREST ON THE 2005 NOTES**

Upon consideration of the request of The Bank of New York (“BNY”) for an order compelling payment of post-maturity compound interest as set forth in the *Memorandum of Law of The Bank of New York, as Indenture Trustee, In Support of Entry of Order Compelling Debtors to Pay Post-Maturity Compound Interest on Their 2005 Notes in Accordance with their Confirmed Chapter 11 Plan* filed by BNY on February 12, 2007 (the “BNY Opening Brief”) [see Docket No. 2298]; and the Court having considered the objection (the “Objection”) to BNY’s request filed by the above-captioned reorganized debtors (collectively, the “Reorganized Debtors”) [see Docket No. 2379] and BNY’s reply thereto (the “BNY Reply”) [see Docket No. 2400]; and the Court having held a hearing to consider BNY’s request, the BNY Opening Brief, the Objection and the BNY Reply on March 21, 2007 (the “Hearing”); and the Court having hearing oral argument from BNY and the Reorganized Debtors at the Hearing; and the Court having entered findings of fact and conclusions of law on the record at the Hearing, all of which are incorporated herein by reference; it is hereby

ORDERED, that for the reasons set forth on the record at the Hearing, the Objection is sustained and BNY's request for payment of post-maturity compound interest is denied.

Dated: Wilmington, Delaware
March 23, 2007


KEVIN GROSS
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE

APPEAL TRANSMITTAL SHEET

Case Number: 05-12685-KG BK AP
 If AP, related BK Case Number: _____

Title of OrderAppealed:
See Attachment

Docket Number: 2430Date Entered: 3/23/2007

Item Transmitted: Notice of Appeal Motion for Leave to Appeal
 Amended Notice of Appeal Cross Appeal
 Docket Number: 2443 Date Filed: 4/2/2007

*Appellant/Cross Appellant:

The Bank of New York

Counsel for Appellant:

See Attachment

*Appellee/Cross Appellee

Foamex International Inc., et al.

+

Counsel for Appellee:

See Attachment

*If additional room is needed, please attach a separate sheet.

Filing Fee paid? Yes NoIFP Motion Filed by Appellant? Yes NoHave Additional Appeals to the Same Order been Filed? Yes NoIf so, has District Court assigned a Civil Action Number? Yes No Civil Action # _____

Additional Notes:

Appellee did not file a Designation of Additional Items to be included in the record.

4/20/2007
 Date

By: M. Lopez
 Deputy Clerk

Bankruptcy Court Appeal (BAP) Number: 07-12
 7/6/06

FOR USE BY U.S. BANKRUPTCY COURT

Attachment

Title of OrderAppealed:

Order Denying the Request of The Bank of New York, as Indenture Trustee, to Compel the Reorganized Debtors to Pay Post-Maturity Compound Interest on the 2005 Notes

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